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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,755

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Fabrice Clerc

5284-69PUS

1496

7590

08/19/2010

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2431

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,755	<b>Applicant(s)</b> CLERC, FABRICE	
	<b>Examiner</b> SYED ZIA	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, and 9-11 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to remarks filed on April 23, 2010. Claims 1 and 3-11 are pending.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-11 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Karmath et al. (U. S. Patent No.: 6,675,164)).

1. Regarding Claim 1, Karmath teach and describe a method of automatically controlling fraud in an electronic transaction system (col. 6 line 54 to line 65) comprising the steps of: generating an element and storing the element in a database in association with information identifying a session initiated by a user when the user initiated the session in the electronic transaction system; each time during the session that the user commands the execution of an operation, determining an equation that is satisfied by the element stored in the database; solving a system of independent equations comprising the determined equations to deduce the element therefrom when a number of the determined equations is greater than the number of authorized operations; and deducing from the obtained element by consulting database the associated information identifying the user that initiated the session (Fig.1, 5-6, and col.1 line 45 to line 55, col. 6 line 29 to line 43, col. 6 line 52 to col.6 line 65 and col. 24 line col.25 line 27).

2. Regarding Claim 9, Karmath teach and describe a system for automatically controlling fraud in an electronic transaction system (col. 6 line 54 to line 65), comprising: first calculation means for generating an element when a user initiates a session in the electronic transaction system ; a database in which the element is stored in association with information identifying the

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session initiated by a user, the first calculation means being configured to define, each time that the user commands execution of an operation during the session, an equation that is satisfied by the element stored in the database; and second calculation means configured to solve a system of independent equations comprising the equations defined by the first calculation means to deduce the element therefrom when a number of the defined equations is greater than a number of authorized operations so that, by consulting the database, it is possible to deduce from the element obtained the associated information which identifies the user that initiated the session user (Fig.1, 5-6, and col.1 line 45 to line 55, col. 6 line 29 to line 43, col. 6 line 52 to col.6 line 65 and col. 24 line col.25 line 27).

3. Regarding Claim 10, Karmath teach and describe a computer-readable medium encoded with a computer program executed by a computer that causes automatic control of fraud in an electronic transaction system (col. 6 line 54 to line 65), the computer program comprising: program-code instructions for generating an element and storing the element in a database in association with information identifying a session initiated by a user when the user initiates the session in the electronic transaction system; program-code for defining, each time during the session that the user commands execution of an operation, an equation that is satisfied by the element stored in the database; program-code for solving a system of independent equations comprising the defined equations to deduce the element therefrom when a number of the defined equations is greater than a number of authorized operations; and program-code for deducing from the obtained element, by consulting the database, the associated information identifying the user that initiated the session (Fig.1, 5-6, and col.1 line 45 to line 55, col. 6 line 29 to line 43,

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col. 6 line 52 to col.6 line 65 and col. 24 line col.25 line 27).

4. Claims 3-4 and 11 are rejected applied as above rejecting Claims 1, and 10. Furthermore, Karmath teach and describe a method of automatically controlling fraud, wherein,

As per Claim 3, the independent equations are linear equations (col.21 line 30 to line 36)

As per Claim 4, the element comprises a series of numerical coefficients ((col.21 line 30 to line 36).

As per Claim 11, the element is dependent on the number of authorized operations for the user during the session (col.25 line 17 to line 26)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

August 15, 2010

/Syed Zia/

Primary Examiner, Art Unit 2431